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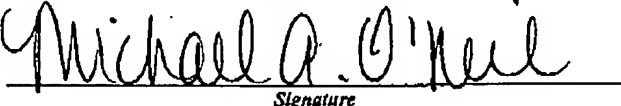
No. 8086 P. 1/5

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Craig A. Nickell, et al.			Docket No. 80445-1120
Application No. 10/675,098	Filing Date 9/30/03	Examiner Phi Dieu Tran A.	Group Art Unit 3637
Invention: INSECT CONTROL FOR BUILDINGS			
<p>I hereby certify that this <u>Response to Office Action</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>1-571-273-8300</u>) on <u>3-15-06</u> (Date)</p> <p style="text-align: right;"><u>Valeria Carey</u> (Typed or Printed Name of Person Signing Certificate) <u>Valeria Carey</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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No. 8086 P. 2/5

<b>TRANSMITTAL LETTER (General - Patent Pending)</b>				Docket No. 80445-1120					
In Re Application Of: <b>Craig A. Nickell, et al.</b>									
Application No. 10/675,098	Filing Date 9/30/03	Examiner Phi Dieu Tran A.	Customer No. 38406	Group Art Unit 3637	Confirmation No. 4812				
Title: <b>INSECT CONTROL FOR BUILDINGS</b>									
<u><b>COMMISSIONER FOR PATENTS:</b></u>									
<p>Transmitted herewith is:</p> <p><b>Response to Office Action</b></p>          <p>in the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>50-0856</b> as described below.</p> <p style="margin-left: 40px;"><input type="checkbox"/> Charge the amount of _____</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Credit any overpayment.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p>									
 <div style="text-align: center; font-size: small;">Signature</div>			<p>Dated: <b>3-15-06</b></p>						
<p>Michael A. O'Neil Michael A. O'Neil, P.C. 5949 Sherry Lane, Suite 820 Dallas, TX 75225</p>			<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td style="padding: 5px; text-align: center;">(Date)</td> </tr> <tr> <td style="padding: 5px; text-align: center;">Signature of Person Mailing Correspondence</td> </tr> <tr> <td style="padding: 5px; text-align: center;">Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	(Date)	Signature of Person Mailing Correspondence	Typed or Printed Name of Person Mailing Correspondence
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<p>cc: client</p>									

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80445-1120

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Craig A. Nickell, et al. Customer No. 38406  
Serial No.: 10/675,098 Confirmation No. 4812  
Filing Date: September 30, 2003  
Group No.: 3637  
Examiner: Phi Dieu Tran A.  
For: INSECT CONTROL FOR BUILDINGS

Mail Stop: RESPONSE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION**

The above-identified application has been carefully reconsidered in view of the Office Action dated January 10, 2006. Early and favorable reconsideration and allowance of the application as now presented are respectfully requested.

The Response to Office Action filed November 2, 2005 in response to the first Office Action in the above-captioned patent application is incorporated herein by reference for all purposes. As is pointed out therein, and is tacitly admitted by the Examiner in the Office Action mailed January 10, 2006, Voris et al. printed patent application publication number 2002/0192259 A1 is not available as a reference against the claims of the present application insofar as the incorporation of

fipronil into a vapor barrier is concerned. This is because applicant is entitled to the filing date of application serial number 09/478,907 filed January 7, 2000.

Applicant respectfully submits that Koehler et al. patent number 6,298,597 issued October 9, 2001 is entirely irrelevant to the claims at issue herein. Koehler et al. teaches the use of fipronil in a system designed for subterranean termite control. More specifically, the Koehler et al. device comprises a termite control system kit which functions to cause termites to carry fipronil and/or other insecticides into their living quarters which eventually results in poisoning of the insects.

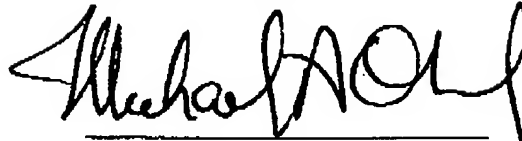
As will therefore be apparent, the Koehler et al. reference relied upon by the Examiner in the Office Action mailed January 10, 2006 is totally irrelevant to the claims at issue herein. Simply put, Koehler et al. has nothing whatsoever to do with the concept of incorporating fipronil into plastic sheeting and then deploying the plastic sheeting having fipronil incorporated therein as a combined vapor barrier and insect barrier.

Therefore, the Koehler et al. reference is not legally combinable with the Voris et al. reference in rejecting the claims at issue.


Early and favorable reconsideration and allowance of the application as now presented is therefore respectfully requested.

Respectfully submitted,

MICHAEL A. O'NEIL, P.C.

A handwritten signature in black ink, appearing to read "Michael A. O'Neil", written over a horizontal line.

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Registration No. 23,007

  
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